

EXHIBIT 1

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING</p> <p style="text-align: center;">---</p> <p>ALODIE GOODEN, as) Wrongful Death) Representative of) TANYA GOODEN and) CASE NO. 15-CV-45-S CAMERON GOODEN,) Plaintiff,) VIDEOTAPED DEPOSITION vs.) OF BRIAN J. QUEISER BRIDGESTONE AMERICAS) TAKEN 2/9/2016 TIRE OPERATIONS, LLC;) FEDEX GROUND PACKAGE) CONFIDENTIAL PORTIONS SYSTEM, INC.; and JOHN) CONTAINED WITHIN DOE CORPORATION/) ENTITIES 1-3,) Defendants.)</p> <p style="text-align: center;">---</p> <p>GINA CUBILLOS, as) Wrongful Death) Representative of the) ESTATE OF JAMES EDNIE,) CASE NO. 15-CV-50-S Plaintiff,) vs.)</p>	<p style="text-align: center;">3</p> <p>1 9th day of February, 2016, commencing at 9:16 2 o'clock a.m. 3 4 APPEARANCES: 5 6 On Behalf of the Plaintiff Alodie Gooden: 7 THE FITZGERALD LAW FIRM 8 BY: James E. Fitzgerald, Attorney at Law 9 Michael J. Fitzgerald 10 Attorney at Law 11 2108 Warren Avenue 12 Cheyenne, Wyoming 82001 13 307/634-4000 14 jim@fitzgeraldlaw.com 15 michael@fitzgeraldlaw.com 16 On Behalf of the Plaintiff Gina Cubillos: 17 KLINE, McCORKLE & PILGER 18 BY: Stephen H. Kline, Attorney at Law 19 P.O. Box 1938 20 Cheyenne, Wyoming 82003 21 307/778-7056 22 steve@kimplaw.net 23 24 25</p>
<p style="text-align: center;">2</p> <p>1 BRIDGESTONE AMERICAS) 2 TIRE OPERATIONS, LLC) 3 f/k/a BRIDGESTONE/) 4 FIRESTONE NORTH) 5 AMERICAN TIRE, LLC;) 6 BRIDGESTONE AMERICAS,) 7 INC.; BRIDGESTONE) 8 RETAIL OPERATIONS,) 9 LLC; FEDEX GROUND) 10 PACKAGE SYSTEM, INC.;) 11 and JOHN DOE) 12 CORPORATIONS/ENTITIES) 13 1-3,) 14 Defendants.)</p> <p style="text-align: center;">---</p> <p>16 Videotaped deposition of BRIAN J. QUEISER, 17 a witness herein, called by the Defendants for 18 Examination pursuant to the Federal Rules of 19 Civil Procedure, taken before me, the 20 undersigned, Binnie Purser Martino, a Registered 21 Diplomat Reporter, Certified Realtime Reporter 22 and Notary Public in and for the State of Ohio, 23 pursuant to Notice and agreement of counsel at 24 the offices of Court Reporters, Inc., 221 25 Springside Drive, Akron, Ohio, on Tuesday, the</p>	<p style="text-align: center;">4</p> <p>1 APPEARANCES (Continued): 2 3 On Behalf of the Defendants Bridgestone 4 Americas Tire Operations, LLC f/k/a 5 Bridgestone/Firestone North American Tire, 6 LLC; Bridgestone Americas, Inc., and 7 Bridgestone Retail Operations, LLC: 8 HOLLAND & KNIGHT 9 BY: Colin P. Smith, Attorney at Law 10 131 S. Dearborn Street 11 30th Floor 12 Chicago, Illinois 60603 13 312/263-3600 14 colin.smith@hklaw.com 15 On Behalf of the Defendant FedEx Ground 16 Package System, Inc.: 17 SUNDAHL, POWERS, KAPP & MARTIN, LLC 18 BY: Paul Kapp, Attorney at Law 19 1725 Carey Avenue 20 Cheyenne, Wyoming 82003-0328 21 307/732-6421 22 pkapp@spkm.org 23 ALSO PRESENT: 24 Tom Baker, Videographer 25</p>

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1 explosion. He wanted to use the word
2 "explosion" very specifically.

3 And then he claims essentially that he
4 couldn't turn the wheel. So I remember that.

5 Q. Okay.

6 A. And I took that into consideration.

7 Q. Beyond that, though, anything else?

8 A. As far as the movement of the vehicle goes,
9 I know other than normally tread/belt -- I mean,
10 tread/belt detachments or tire failures should
11 not result in that kind of loss of control. You
12 asked me about loss of control. I would say,
13 yeah. I mean, that's --

14 What happened after that feeling that he
15 had, when he felt something, I can't remember
16 his words, but when I read it, I thought, okay,
17 he felt the rumbling, something beginning. And
18 he describes it as very quickly then, you know,
19 he grabbed the wheel, he was distinctive in
20 that, and then he heard the explosion. But it
21 happened in fairly short order, and then he lost
22 control.

23 Q. Okay.

24 A. Other than that, I don't have much of a
25 recollection or --

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1 in the industry. It is effective. It is
2 long -- a lot of it is long-standing. It is
3 shared by our competitors, and promoted by
4 various associations.

5 I don't remember specifically citing the
6 sidewall warning, but it would include -- my
7 evaluation of that would include it.

8 Q. The sidewall warnings, to and including the
9 inflation information, that is uniform amongst
10 tire manufacturers?

11 A. It tends -- it tends to be consistent,
12 yeah.

13 Q. Is it standardized just by industry, or is
14 it standardized by regulation or rule?

15 A. Neither. There is no regulation or rule
16 governing on-product safety warnings for tires.

17 Q. Okay. So --

18 A. But the industry has gravitated, years ago,
19 to, I would say, very similar information. It
20 depends on the tire. You won't find the exact
21 same safety warning on the sidewall of this tire
22 as you do on something else that is in a
23 different service.

24 Q. Right. But, I mean, among tires of the
25 same rating, or loading, I mean, for example, a

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1 Q. Okay.

2 A. -- I didn't take anything else into account
3 that I can think of.

4 Q. Is it fair to say you don't have any
5 opinions about vehicle dynamics in this case?

6 J. FITZGERALD: Object to the form.

7 THE WITNESS: Well, except to the
8 extent that a rapid air loss event or in a tire
9 explosion like Mr. Kehler describes, it should
10 be a controllable event.

11 BY MR. KAPP:

12 Q. Barring anything else going wrong with the
13 vehicle?

14 MR. SMITH: Objection to the
15 form of the question.

16 THE WITNESS: I can't say.
17 Barring, I don't know what else would go wrong
18 with the vehicle, something else.

19 BY MR. KAPP:

20 Q. All right. Do you have any opinions on
21 warnings, like, for example, the warnings
22 placarding on the side of the tire?

23 A. I do. I rendered an opinion in my report
24 that the warnings and other information provided
25 by Bridgestone is consistent with that provided

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1 medium truck tire, G load. Is the warning and
2 the inflation message going to be the same if it
3 is a BF Goodrich, a Firestone or a Michelin?

4 MR. SMITH: Just let me object
5 to the form. I am just concerned it is
6 compound. Are you asking about the inflation
7 specification, load and inflation --

8 MR. KAPP: Or I could just --

9 MR. SMITH: -- or just the

10 warning? Yeah, I just want to make sure --

11 MR. KAPP: I will break it
12 down.

13 MR. SMITH: It might be easier.
14 Thanks.

15 BY MR. KAPP:

16 Q. To you, are there two different -- are
17 there -- strike that.

18 I mean, what do you call the raised
19 lettering information on the side of a tire
20 addressing inflation?

21 A. There is a safety warning on the sidewall
22 of the tire.

23 Q. Does the safety warning, in your -- in your
24 parlance, include the inflation pressure?

25 A. It says that tire failure may occur from

<p style="text-align: right;">93</p> <p>1 underinflation or overloading, and to consult 2 the owner's manuals and maybe some other words 3 that I don't have memorized right at the moment. 4 But, yes, it tends to be consistent among 5 tire manufacturers. 6 The tires also come with labels on them 7 that have additional warning information. 8 The sidewall has fundamental information 9 about tire safety for the reader to read. But 10 it can't possibly encompass everything you would 11 need to see or know. So you have to supplement 12 it with service or safety manuals that we also 13 provide, and/or other industry-provided 14 materials, frankly. 15 Q. There are no Federal or state rules, regs 16 or laws, you say, on the safety -- 17 A. Warning, right. 18 Q. -- warning on the side of a tire, correct? 19 A. Right, right. 20 Q. Has the industry undertaken -- I mean, are 21 there industry committees that address the 22 safety warning, the content of a safety warning, 23 what should be on it, what should not be on it? 24 A. To a certain extent. Although -- and I am 25 involved in that process, but I can't tell you</p>	<p style="text-align: right;">95</p> <p>1 A. It says, "Safety warning, serious injury 2 may result from tire failure due to 3 underinflation/overloading. Follow owner's 4 manual or tire placard in vehicle." 5 And then -- then there are other things 6 about mounting, warnings about mounting. 7 Q. What does it say about the air pressure? 8 A. "Follow owner's manual or tire placard in 9 vehicle." 10 Q. Okay. Does it say anything else? 11 A. Pressure information is provided on the 12 tire for its service. But you have to refer to 13 the owner's manual or the tire placard in order 14 to obtain the correct inflation pressure. 15 Q. Does it say anything about 110 psi on it? 16 A. Yeah, yeah. 17 Q. Yeah, that is the part I am kind of -- 18 A. Those are the ratings for the tire. 19 Q. And what does it say? 20 A. It says, "Max load single," and it says, 21 "3000 kilograms at 300 kPa," which is 110 psi 22 cold. 23 And it says the English units on the 24 sidewall. 25 Q. All right.</p>
<p style="text-align: right;">94</p> <p>1 that it has been done for the sidewall safety 2 warning under -- that I have personal knowledge 3 of. I believe the safety warnings for tires 4 were evolution. I would say they were created 5 and/or they evolved much more decades ago. 6 And Bridgestone -- let me just go there. 7 Bridgestone/Firestone's safety warning is 8 decades old. If it has changed, it has been 9 only because some product has changed it and it 10 warranted it, you know, a different type of tire 11 or something, in a different application. 12 And the rest of the industry, just to get 13 to the core of your question, largely is in the 14 same place. There may be different words here 15 and there. But sometimes -- 16 Q. Same message? 17 A. -- sometimes they are identical, you know, 18 word for word verbatim; and, yes, the message is 19 the same. 20 Q. What is -- this specific tire, the subject 21 tire, the 283 Ecopia, what does it say about air 22 pressure, inflation? 23 A. Well, I mean, it says -- 24 Q. Yeah, it is right here. I frankly forgot 25 that it was right there in front of us.</p>	<p style="text-align: right;">96</p> <p>1 A. Now, that is Government mandated. I don't 2 know if maybe that is why you were asking me 3 about that. 4 The tire load and inflation information is 5 Government mandated. 6 Q. Okay. So it says don't put more than 110 7 psi in it cold, correct? 8 A. No, that is the rating. It says that it 9 can carry 3000 kilograms, which is 6175 pounds, 10 I think, if I am reading that right, at 110 psi 11 cold. So that is what the tire is rated at. 12 That is the max load at that pressure. 13 Q. What is -- why is there no information on 14 the side of the tire to indicate minimum rating? 15 A. Minimum? Well -- 16 Q. And by "minimum," I would be -- we would be 17 talking about load and -- load and inflation, 18 right? 19 MR. SMITH: Objection to the 20 form. 21 THE WITNESS: Now I am not 22 tracking you. I am not understanding what you 23 mean now. Minimum load and inflation? 24 BY MR. KAPP: 25 Q. Well, I mean, that is saying -- the 110</p>

<p style="text-align: right;">193</p> <p>1 about that. I mean, you could have a tire, you 2 could have a tire that is filled to 90 3 degrees -- strike that. 4 You could have a tire filled with 90 psi 5 air, and depending on the load it was carrying, 6 it would not be underinflated/overdeflected, 7 correct? 8 A. If it is inflated to 90, there is a load 9 that it could carry by design. 10 Q. And at that load, it would not be 11 underinflated or overdeflected? 12 A. Right. But the recommendation is to run 13 the placard load, regardless of the actual load 14 that is upon it. That is not just due to the 15 static loading conditions, what you are 16 referring to, but in addition to whatever 17 dynamic loading conditions may exist, whatever 18 the ride and handling parameters are that the 19 vehicle manufacturer considers, and that 20 includes the vehicle dynamics -- that includes 21 vehicle dynamics and speed capability, whatever 22 it is, that the vehicle manufacturer arrives at 23 at that pressure. 24 Q. Well, according to the yearly publication 25 of the Tire & Rim Association, it could be, this</p>	<p style="text-align: right;">195</p> <p>1 283-14 ply is on a truck that is placarded for 2 110. At what point, what pressure would that 3 tire, according to BATO, become -- be classified 4 as underinflated or overdeflected? 5 A. Well, it depends on the load on it. It 6 depends on -- well, the placard is 110? 7 Q. Yes. 8 A. It should be set to 110. 9 Q. Right. 10 A. Okay. 11 Q. All right. Let's pretend that somebody 12 starts letting air out, and BATO has got an 13 expert there -- 14 A. Then they may be underinflating it. 15 Q. Okay. 16 A. Right there, you are letting air out. 17 Q. Anything below 110, according to BATO, is 18 overdeflected/underinflated? 19 J. FITZGERALD: Object to the form. 20 THE WITNESS: I am -- if you 21 are -- it depends on what you are looking at. 22 The placard is the vehicle manufacturer's 23 recommendation, taking into consideration a 24 whole host of tire performance criteria. Okay. 25 On the other hand, you could just</p>
<p style="text-align: right;">194</p> <p>1 tire could be filled with 90 degree psi -- 90 2 pound psi, and depending on the load, still not 3 be overdeflected or underinflated, correct? 4 A. In those static conditions, that is the 5 case. And the Government requires that the 6 vehicle manufacturer take those static 7 conditions into account. However, the vehicle 8 manufacturer has other considerations when they 9 select their tire pressures. 10 Q. Do you have knowledge of how it is that the 11 tire -- strike that -- that the truck 12 manufacturer decides to placard on a truck? 13 A. In this case, I don't. I can tell you that 14 generally, they are taking into consideration a 15 whole plethora of performance characteristics. 16 Q. Okay. 17 A. Fuel economy, speed capability, ride and 18 handling, other vehicle dynamic characteristics. 19 Whatever the dynamic loading characteristics 20 are, for a steer tire, the fact that the tires 21 not only are carrying a load, but also doing a 22 steering, that can enter into the equation. So 23 there are a variety of things. 24 Q. Okay. How about this: Let's 25 hypothetically, speaking, this is on -- this</p>	<p style="text-align: right;">196</p> <p>1 statically load the tire, or load it on a drum 2 in a laboratory, independent of what a vehicle 3 manufacturer says. And I think that is what you 4 want me to do here. 5 BY MR. KAPP: 6 Q. No, absolutely, I don't. 7 A. Okay. 8 Q. I mean, let's try to skin this cat another 9 way. 10 A. Okay. 11 Q. BATO has taken the position that the 12 pressures that CLR and its drivers ran these 13 tires, the inflation pressures, were low, such 14 that the tire was underinflated/overdeflected; 15 is that correct? 16 J. FITZGERALD: Same objection. 17 THE WITNESS: I haven't 18 reviewed -- I can't remember BATO's contentions. 19 My contention is the tire says it was 20 overdeflected. So it has physical 21 characteristics that tell me that. 22 The placard is information, the 23 driver's testimony is other information. There 24 is -- it has been established that there was a 25 measurement taken at some point earlier in the</p>

<p style="text-align: right;">197</p> <p>1 truck's maintenance history, where they found it</p> <p>2 to be or set it to 90 psi, which is also</p> <p>3 significantly lower than the 110 it should have</p> <p>4 been set at.</p> <p>5 MR. KAPP: Move to strike,</p> <p>6 nonresponsive. Question --</p> <p>7 THE WITNESS: There is more,</p> <p>8 though. There is a pattern of this, actually.</p> <p>9 The vehicle is purchased in March.</p> <p>10 Something is done to the governor of that</p> <p>11 vehicle. Those tires, whatever were on it at</p> <p>12 the time, were operated, and then later, one of</p> <p>13 the Continentals was removed due to an</p> <p>14 out-of-round condition.</p> <p>15 BY MR. KAPP:</p> <p>16 Q. There is not a pending question, sir. I am</p> <p>17 not trying to --</p> <p>18 A. Well --</p> <p>19 MR. SMITH: You cut him off,</p> <p>20 Paul. That is what happened.</p> <p>21 MR. KAPP: No.</p> <p>22 MR. SMITH: There was a pending</p> <p>23 question.</p> <p>24 THE WITNESS: The question was</p> <p>25 BATO's --</p>	<p style="text-align: right;">199</p> <p>1 BY MR. KAPP:</p> <p>2 Q. And that is not any insult to you. You are</p> <p>3 doing your job and I am not blaming you for it.</p> <p>4 But still, there have to be rules and I get to</p> <p>5 ask the questions.</p> <p>6 A. Sure.</p> <p>7 Q. All right. Now, let's hypothetically, this</p> <p>8 truck, these tires, they are sitting in the lot</p> <p>9 at 110 psi. Are those tires underinflated/</p> <p>10 overdeflected at 110 psi?</p> <p>11 A. It would depend on the load on them.</p> <p>12 Let me help you. In the case of a car</p> <p>13 hauler, for instance, which is where we saw some</p> <p>14 of the harsh -- hardest --</p> <p>15 Q. Right.</p> <p>16 A. -- it imposed some of the hardest loads</p> <p>17 onto the -- onto the tires. That happens</p> <p>18 because of the way cars are loaded on top of the</p> <p>19 cab and forcing load down. Now, you could have</p> <p>20 a car there, you could not have a car there.</p> <p>21 Okay. So you have a difference in loading</p> <p>22 conditions in this hypothetical parking lot</p> <p>23 scenario you just gave me.</p> <p>24 Q. All right. What is the max load at 110</p> <p>25 psi, 61 --</p>
<p style="text-align: right;">198</p> <p>1 MR. SMITH: Stop, Mr. Queiser.</p> <p>2 Stop, Mr. Queiser. You don't get to interrupt</p> <p>3 him and cut him off, which is what you tried to</p> <p>4 do. And he has not concluded his answer to the</p> <p>5 last question.</p> <p>6 MR. KAPP: I made an ob- --</p> <p>7 MR. SMITH: Why don't you let</p> <p>8 him finish his answer, which you did not let him</p> <p>9 do a minute ago, then you can make whatever</p> <p>10 motion you see fit.</p> <p>11 MR. KAPP: We are not going to</p> <p>12 argue about this.</p> <p>13 BY MR. KAPP:</p> <p>14 Q. Go ahead. Pick up where you left off, sir.</p> <p>15 A. I believe I was answering the question</p> <p>16 about BATO's contention. And I was simply</p> <p>17 trying to explain that it -- that it is more</p> <p>18 than just what the tire tells us. There is also</p> <p>19 a pattern of -- there is a history of not just</p> <p>20 this tire, but other tires that were on this</p> <p>21 vehicle, and maintenance records that would</p> <p>22 indicate that it was overdeflected, that it was</p> <p>23 underinflated.</p> <p>24 MR. KAPP: Okay. Move to</p> <p>25 strike, nonresponsive.</p>	<p style="text-align: right;">200</p> <p>1 A. 6175.</p> <p>2 Q. Okay. Truck is sitting in the lot.</p> <p>3 A. With a GAWR of 12,000 pounds. So the tire,</p> <p>4 at 110 psi, can carry that 12,000 pound load.</p> <p>5 Q. Is the tire --</p> <p>6 A. With a GAWR, that is a rating.</p> <p>7 Q. Pardon me?</p> <p>8 A. The GAWR, the gross axle weight rating.</p> <p>9 That is a rating.</p> <p>10 So the tire manu- -- or the vehicle</p> <p>11 manufacturer selected the right size tire and</p> <p>12 the right pressure to carry the axle maximum.</p> <p>13 Q. Okay. So 61 -- what is it again?</p> <p>14 A. 75.</p> <p>15 Q. -- 75, at 110. Not underinflated, not</p> <p>16 overdeflected, correct?</p> <p>17 A. Well, I don't know the loading here.</p> <p>18 Q. Pardon me?</p> <p>19 A. I don't know the load. You haven't told me</p> <p>20 the load. Is it 6175 pounds?</p> <p>21 Q. Right.</p> <p>22 A. Well, then it is loaded to capacity.</p> <p>23 Q. Right.</p> <p>24 A. Okay. Fine.</p> <p>25 Q. 6175 at 110. Is that overdeflected/</p>

<p style="text-align: right;">209</p> <p>1 tire to the other side of the tire to find the</p> <p>2 place where the activity occurred, where the</p> <p>3 detachment occurred at 11:00 or 11:30.</p> <p>4 So not only is the belt splice</p> <p>5 inconsequential to the failure, it is not even</p> <p>6 proximate to the actual damage.</p> <p>7 Q. Do you dispute that there is an offset edge</p> <p>8 and area of cord overlap?</p> <p>9 A. No, I don't. It is there.</p> <p>10 Q. Paragraph 2, what is the message that you</p> <p>11 wish to convey in paragraph 2?</p> <p>12 A. Mr. Woehrle seems to take a position that</p> <p>13 any imperfection is a cause of failure. That is</p> <p>14 simply not the case. That is not the way tires</p> <p>15 are built or the way they work.</p> <p>16 He also misinterprets, to the extent he is</p> <p>17 reading the right things, our tolerances, our</p> <p>18 specifications for these sorts of things.</p> <p>19 I believe, as near as I can tell, to try to</p> <p>20 understand what he is even saying, he is</p> <p>21 interpreting either tire assembly or stock prep</p> <p>22 or material prep specifications, when he makes</p> <p>23 any conclusions about the adequacy of this</p> <p>24 particular anomaly that he points out.</p> <p>25 Q. Okay. Is that it?</p>	<p style="text-align: right;">211</p> <p>1 Q. There would be records if it was?</p> <p>2 A. If we could possibly know, there could be</p> <p>3 records that there was. But in this case, we</p> <p>4 can't know because of a missing bar code.</p> <p>5 But there is no reason for it to have gone</p> <p>6 to a review committee in the first place, based</p> <p>7 on what we can see in the evidence before us.</p> <p>8 Q. What is the missing bar code?</p> <p>9 A. There is a paper sticker that goes on every</p> <p>10 tire when it is made, and it is a unique</p> <p>11 identifier that we just simply don't have.</p> <p>12 It is meant to be used in the factory and</p> <p>13 perhaps in distribution. But after that, it is</p> <p>14 actually not purposeful and it quite often comes</p> <p>15 off in use.</p> <p>16 Q. Three, what is the message you wish to</p> <p>17 convey there?</p> <p>18 A. Okay. We did perform high speed testing of</p> <p>19 these tires when they were in production in the</p> <p>20 ordinary course of business. They far exceeded</p> <p>21 the high speed standards set forth by those</p> <p>22 protocols, even though they are not as yet</p> <p>23 adopted by the Federal Government.</p> <p>24 Mr. Woehrle also seems to criticize testing</p> <p>25 that is conducted at lower speeds. He doesn't</p>
<p style="text-align: right;">210</p> <p>1 A. Well, the last sentence, I forgot, he also</p> <p>2 doesn't understand that whenever we find</p> <p>3 something that we want to look further at, we do</p> <p>4 review it.</p> <p>5 I think he thinks that if you find the</p> <p>6 least little bit thing wrong, the tire is</p> <p>7 scrapped, and that is just simply not the case.</p> <p>8 Q. What is the case?</p> <p>9 A. It depends on what it is. What we do is we</p> <p>10 empower our -- the people who inspect our tires</p> <p>11 to make certain decisions. But other</p> <p>12 decisions where they -- because they may</p> <p>13 not have --</p> <p>14 THE REPORTER: But other decisions</p> <p>15 what?</p> <p>16 THE WITNESS: But other</p> <p>17 decisions, where they may not have the expertise</p> <p>18 or the knowledge, those particular tires or</p> <p>19 occurrences are sent to a review committee for</p> <p>20 them to be evaluated further.</p> <p>21 BY MR. KAPP:</p> <p>22 Q. Was this tire, the subject tire, sent to a</p> <p>23 review committee for evaluation further?</p> <p>24 A. I don't know that it was. I don't -- we</p> <p>25 don't have any record that it was.</p>	<p style="text-align: right;">212</p> <p>1 seem to understand that testing conducted at</p> <p>2 lower speeds has been found to be equivalent to</p> <p>3 real world speeds that are much higher.</p> <p>4 Roughly, the way ASTM has determined, that</p> <p>5 essentially testing at 50 miles an hour on a</p> <p>6 drum is equivalent belt edge temperature to 75</p> <p>7 mile per hour on a flat surface.</p> <p>8 Q. What is your ASTM standard that you are</p> <p>9 relying on?</p> <p>10 A. I included the body of work in my file. I</p> <p>11 believe we marked it. It includes number 18 and</p> <p>12 19 and 15 at a minimum.</p> <p>13 Q. Okay.</p> <p>14 A. In addition to the prediction profiles that</p> <p>15 I printed off for example purposes in 16.</p> <p>16 Q. Anything else to add to 3?</p> <p>17 A. No, it speaks for itself.</p> <p>18 Q. Four, what is the message you seek to</p> <p>19 convey in four?</p> <p>20 A. In number 4, my interpretation of</p> <p>21 Mr. Woehrle's opinion about the inner liner was</p> <p>22 that it needed to be thicker. He does not know</p> <p>23 or understand that the inner liner performance</p> <p>24 is not just based on the gauge of that rubber.</p> <p>25 I believe he concedes that the butyl</p>

<p style="text-align: right;">301</p> <p>1 BY J. FITZGERALD:</p> <p>2 Q. Okay. And insofar as your expertise goes,</p> <p>3 was his work consistent with the methodology you</p> <p>4 applied?</p> <p>5 MR. KAPP: Objection to the</p> <p>6 form, leading.</p> <p>7 J. FITZGERALD: That is not a</p> <p>8 leading question. It is a "was."</p> <p>9 THE WITNESS: I believe so. I</p> <p>10 don't know of any inconsistencies. I don't know</p> <p>11 how else to answer, other than what I have</p> <p>12 already said.</p> <p>13 BY J. FITZGERALD:</p> <p>14 Q. Okay. In your experience in all of the</p> <p>15 testing that you have done, have you ever seen a</p> <p>16 tread detachment break a steering component?</p> <p>17 A. No.</p> <p>18 J. FITZGERALD: That is all the</p> <p>19 questions I have. Thank you.</p> <p>20 MR. KLINE: I thought I was</p> <p>21 going to have more time. What do you need?</p> <p>22 J. FITZGERALD: She wants you to</p> <p>23 have a microphone. You can have this one.</p> <p>24 MR. KAPP: Wow, so much for</p> <p>25 the hour. All this -- all of this grief you</p>	<p style="text-align: right;">303</p> <p>1 A. The trend. And the rates of return for 16</p> <p>2 ply, which are load range H, R283 tires.</p> <p>3 In making that observation, looking at that</p> <p>4 data as it came in, they also looked at 14 ply</p> <p>5 data, the subject tire.</p> <p>6 There is some -- okay. What they then</p> <p>7 studied was, where are the different tires</p> <p>8 applied, what could be influencing these</p> <p>9 returns. And it became clear right away that</p> <p>10 the 16 ply tires applied in, as you would</p> <p>11 naturally expect, a very -- much more difficult</p> <p>12 market. It is applied at higher loads and</p> <p>13 equipment that tends to operate at those load</p> <p>14 limits and/or beyond, and applies at high rates</p> <p>15 of speed, particularly auto haulers.</p> <p>16 And what they concluded was that trend of</p> <p>17 that particular product concerned them, but the</p> <p>18 14 ply tire, no.</p> <p>19 If it wasn't for the 16 ply tire and the</p> <p>20 performance observations we were making about</p> <p>21 it, we wouldn't have noticed the 14 ply at all.</p> <p>22 It was tracking just fine. So without the 16</p> <p>23 ply tire, there is no discussion, I guess is</p> <p>24 really what I am trying to say.</p> <p>25 Q. So were there changes made to the 16 ply</p>
<p style="text-align: right;">302</p> <p>1 guys have been giving me about having time, and</p> <p>2 you take three minutes.</p> <p>3 MR. KLINE: I have a couple of</p> <p>4 questions.</p> <p>5 MR. KAPP: Well, another three</p> <p>6 minutes, that is good. Because I get rebuttal</p> <p>7 anyway, so that is fine.</p> <p>8 EXAMINATION</p> <p>9 BY MR. KLINE:</p> <p>10 Q. Okay. Mr. Queiser, back -- oop. Back</p> <p>11 toward the beginning of the deposition, I think,</p> <p>12 at some point you talked about the problem with</p> <p>13 the 16 ply tire and it going to NHTSA for their</p> <p>14 analysis. I am not sure I understood at all</p> <p>15 what the problem with that tire might be or was.</p> <p>16 Can you explain that in laymen's terms?</p> <p>17 A. Sure. In a nutshell, through our analysis</p> <p>18 of data that comes back to us through</p> <p>19 adjustments or claims, I am not aware of any</p> <p>20 lawsuits. They track that data, and they either</p> <p>21 electronically evaluate it and/or visually look</p> <p>22 at the data -- look at the data themselves, you</p> <p>23 know, human beings assess it. And they were</p> <p>24 concerned with the trend, frankly.</p> <p>25 Q. With what?</p>	<p style="text-align: right;">304</p> <p>1 tire, the 16 ply tire, to make --</p> <p>2 A. The 16 --</p> <p>3 Q. Let me back up. Is it still sold in</p> <p>4 essentially the same form that it was being sold</p> <p>5 in, the 16 ply?</p> <p>6 A. It is -- it is still sold, and there were</p> <p>7 changes made to it. That is the case, yes.</p> <p>8 Q. And can you explain, with respect to the 16</p> <p>9 ply tire, in laymen's terms, what the changes</p> <p>10 were that made it work better?</p> <p>11 A. One of the primary objectives was to help</p> <p>12 it run cooler, which they did by expanding the</p> <p>13 amount of base rubber that is in the tread</p> <p>14 extrusion itself.</p> <p>15 There are two rubbers in the tread. You</p> <p>16 may only see one, but there are actually two</p> <p>17 there. And one of them runs a little cooler</p> <p>18 than the other.</p> <p>19 So they expanded the use of that</p> <p>20 cooler-running compound in the 16 ply tire. It</p> <p>21 comes with a trade-off of treadwear or irregular</p> <p>22 wear resistance. So they did that.</p> <p>23 They changed it three different ways, but</p> <p>24 it is effectively the same element. They</p> <p>25 changed base rubber going towards the center,</p>

<p style="text-align: right;">333</p> <p>1 anything?</p> <p>2 MR. SMITH: Yes, I have one</p> <p>3 question. What is our running time now?</p> <p>4 THE VIDEOGRAPHER: Six hours and 57</p> <p>5 minutes.</p> <p>6 MR. SMITH: Okay.</p> <p>7 EXAMINATION</p> <p>8 BY MR. SMITH:</p> <p>9 Q. Mr. Queiser, I have one question for you.</p> <p>10 You earlier made a reference to -- in response</p> <p>11 to one of Mr. Kapp's questions to the fact that</p> <p>12 there was a history here, and you referred to</p> <p>13 the governor being changed and then there were</p> <p>14 tire failures.</p> <p>15 Can you explain what you were referring to</p> <p>16 then?</p> <p>17 MR. KAPP: Object to the form.</p> <p>18 THE WITNESS: Right.</p> <p>19 MR. KAPP: Misstates the</p> <p>20 witness's testimony. Go ahead.</p> <p>21 BY MR. SMITH:</p> <p>22 Q. Let's start here, Mr. Queiser, did I</p> <p>23 misstate your testimony in any respect?</p> <p>24 A. No.</p> <p>25 Q. All right. Well, you said something about</p>	<p style="text-align: right;">335</p> <p>1 purchased and the governor was changed, there</p> <p>2 are service records that indicate a couple of</p> <p>3 situations where they changed tires, or where</p> <p>4 they had tires serviced. In June, they had</p> <p>5 tires serviced that indicated that the steer</p> <p>6 tires were set at 90 psi for a pressure, which</p> <p>7 is 20 psi below the placard.</p> <p>8 A couple of months later, they</p> <p>9 replaced their Continental tires with the R283s</p> <p>10 in this case, and saved one of the Continental</p> <p>11 tires for a spare, apparently. But the reason</p> <p>12 for the tire replacement in that situation was</p> <p>13 for out of round, which has all the hallmarks of</p> <p>14 some type of incipient tire failure that they</p> <p>15 detected before it actually detached.</p> <p>16 Further down the road, they had</p> <p>17 another failure of one of the R283 tires of the</p> <p>18 two that they applied, a tread/belt detachment,</p> <p>19 which Mr. Kehler controlled the vehicle and they</p> <p>20 took care of with a service call that put that</p> <p>21 Continental tire back on to the right front</p> <p>22 position, which is where it was when the crash</p> <p>23 in this case happened.</p> <p>24 So this vehicle, in the span of from</p> <p>25 March to November, has three tire failures, and</p>
<p style="text-align: right;">334</p> <p>1 there being a history here, and you started with</p> <p>2 the governor being removed. Explain what you</p> <p>3 were talking about.</p> <p>4 A. The tractor was purchased in March of 2014,</p> <p>5 and Mr. Kehler testified that he asked for and</p> <p>6 had the engine management system changed so that</p> <p>7 the maximum speed of the vehicle, the governor,</p> <p>8 so to speak, would be higher. He was very vague</p> <p>9 about what he thought it was. He was very vague</p> <p>10 about what it went to. But nonetheless, there</p> <p>11 was a deliberate decision to allow the vehicle</p> <p>12 to go faster.</p> <p>13 He also testified, as did Mr. Marks, that</p> <p>14 they regularly drove faster than the speed</p> <p>15 limit, which, in different parts of the country</p> <p>16 where they drove, was 75 or 80 miles an hour,</p> <p>17 depending upon the state.</p> <p>18 In addition to that, there is GPS and DDEC</p> <p>19 data that backs up --</p> <p>20 THE REPORTER: And what data?</p> <p>21 THE WITNESS: DDEC, or DDEC,</p> <p>22 D-D-E-C.</p> <p>23 -- that, frankly, validates their own</p> <p>24 testimony that they drove faster than the limit.</p> <p>25 In any case, after the vehicle was</p>	<p style="text-align: right;">336</p> <p>1 a history of speeding and a history of</p> <p>2 overdeflection, likely due to underinflation, as</p> <p>3 the subject tire tells us from rim grooving,</p> <p>4 exacerbated by the heat, generated by the speed</p> <p>5 and/or the overdeflection, which manifests</p> <p>6 itself as blueing or heat discoloration.</p> <p>7 MR. SMITH: That is all I have.</p> <p>8 Thanks.</p> <p>9 MR. KAPP: Go ahead. I still</p> <p>10 have got some questions, but I am -- they are</p> <p>11 not a lot, but I have got some.</p> <p>12 MR. KLINE: No, I am done.</p> <p>13 J. FITZGERALD: It is your turn,</p> <p>14 Paul. It is your turn.</p> <p>15 MR. SMITH: I was just talking</p> <p>16 to Mike, Paul. I assume you will be quick? I</p> <p>17 mean --</p> <p>18 MR. KAPP: I will endeavor to</p> <p>19 be quick. All right?</p> <p>20 MR. KLINE: We will agree that</p> <p>21 Colin's three minutes did not count towards you.</p> <p>22 J. FITZGERALD: It is your turn and</p> <p>23 you have three minutes extra.</p> <p>24 MR. KAPP: That is not the way</p> <p>25 it adds up.</p>

<p style="text-align: right;">353</p> <p>1 Signature is reserved.</p> <p>2 THE VIDEOGRAPHER: We are off the</p> <p>3 record.</p> <p>4 (Thereupon, the B.J. Queiser</p> <p>5 deposition was concluded at 6:16</p> <p>6 o'clock p.m.)</p> <p>7 ---</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">355</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF OHIO,)</p> <p>4) SS:</p> <p>5 SUMMIT COUNTY,)</p> <p>6</p> <p>7 I, Binnie Purser Martino, a Registered</p> <p>8 Diplomate Reporter, Certified Realtime Reporter</p> <p>9 and Notary Public within and for the State of</p> <p>10 Ohio, duly commissioned and qualified, do hereby</p> <p>11 certify that the within-named witness, BRIAN J.</p> <p>12 QUEISER, was by me first duly sworn to testify</p> <p>13 the truth, the whole truth and nothing but the</p> <p>14 truth in the cause aforesaid; that the testimony</p> <p>15 then given by him was by me reduced to Stenotypy</p> <p>16 in the presence of said witness, afterwards</p> <p>17 prepared and produced by means of Computer-Aided</p> <p>18 Transcription and that the foregoing is a true</p> <p>19 and correct transcript of the testimony so given</p> <p>20 by him as aforesaid.</p> <p>21 I do further certify that this deposition</p> <p>22 was taken at the time and place in the</p> <p>23 foregoing caption specified, and was completed</p> <p>24 without adjournment.</p> <p>25 I do further certify that I am not a</p> <p>relative, employee of or attorney for any party</p> <p>or counsel, or otherwise financially interested</p> <p>in this action.</p> <p>I do further certify that I am not, nor is</p> <p>the court reporting firm with which I am</p> <p>affiliated, under a contract as defined in Civil</p> <p>Rule 28(D).</p> <p>IN WITNESS WHEREOF, I have hereunto set my</p> <p>hand and affixed my seal of office at Akron,</p> <p>Ohio on this 16th day of February, 2016.</p> <p>Binnie Purser Martino, RDR, CRR</p> <p>My commission expires June 25, 2019.</p> <p>---</p>
<p style="text-align: right;">354</p> <p>1</p> <p>2</p> <p>3 I, BRIAN J. QUEISER, do verify that I have</p> <p>4 read the foregoing transcript consisting of 353</p> <p>5 pages and have had the opportunity to make</p> <p>6 corrections/changes; and that the foregoing is a</p> <p>7 true and correct transcript of my testimony</p> <p>8 given February 9, 2016.</p> <p>9</p> <p>10 Corrections/Changes Made _____</p> <p>11</p> <p>12 No Corrections/Changes Made _____</p> <p>13</p> <p>14</p> <p>15 <u>BRIAN J. QUEISER</u></p> <p>16</p> <p>17 Sworn to before me, _____,</p> <p>18 Notary Public</p> <p>19 this _____ day of _____,</p> <p>20</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23 My commission expires _____.</p> <p>24</p> <p>25 bpm</p>	